MT LEGISLATIVE HISTORY

Chapter 601 19 81

Bill H 507 S _____ Original bill & hist. ___C

H. Committee on Loc. Govt. S. Committee on Loc. Govt.

Hearing Date(s) 2-10 ___C EA Hearing Date(s) 3-12 ___C

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_____ ___C _____ ___C

Date Out 2-11 ___C 3-24 ___C EA

rpt 2-11 ✓ 3-26 rpt. ✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

2/14 2nd

~~3rd~~

2/17 3rd

4/8 2nd

4/9 3rd

3/28 2nd

3/31 3rd

2ND READING: 3/7, YEAS: 30; NAYS: 12
3RD READING: 3/10, YEAS: 38; NAYS: 10

RETURNED TO HOUSE: 3/10
TRANSMITTED TO GOVERNOR: 3/18
ACTION: SIGNED, 3/20
CHAPTER 119

HB 506—BERTELSEN, DUSSAULT, BENNETT, ET AL—REQUIRING THE STATE, ITS POLITICAL SUBDIVISIONS, SCHOOL DISTRICTS, AND PARTICULARLY THE DEPARTMENT OF HIGHWAYS TO PURCHASE AND USE REREFINED LUBRICATING OIL WHEN THE OIL IS REASONABLY AVAILABLE AND MEETS SPECIFICATIONS FOR QUALITY....
FISCAL NOTE: REQUIRED
INTRODUCED: 1/27
REFERRED TO COMMITTEE ON HIGHWAYS AND TRANSPORTATION: 1/27
HEARING: 2/5
REPORT: DO NOT PASS: 2/12
REPORT: ADOPTED, 2/16
BILL KILLED: 2/16 YEAS: 58; NAYS: 38

HB 507—AZZARA, BERGENE, KEMMIS, ET AL—TO ALLOW THE REMAINING TRANSPORTATION BOARD MEMBERS TO FILL VACANCIES ON THE TRANSPORTATION BOARD....
INTRODUCED: 1/27
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/27
HEARING: 2/10
REPORT: DO PASS, 2/11
2ND READING: 2/14, YEAS: 81; NAYS: 2
3RD READING: 2/17, YEAS: 99; NAYS: 1

TRANSMITTED TO SENATE: 2/17
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/18
HEARING: 3/12
REPORT: 3/26, BE CONCURRED IN, AS AMENDED
2ND READING: 3/28, BE CONCURRED IN
3RD READING: 3/31, YEAS: 45; NAYS: 5

RETURNED TO HOUSE WITH AMENDMENTS: 3/31
2ND READING: 4/8, YEAS: 85; NAYS: 0
3RD READING: 4/9, YEAS: 96; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/15
ACTION: RETURNED WITH AMENDMENTS, 4/21

GOVERNOR'S AMENDMENTS
HOUSE 2ND READING: 4/22, YEAS: 82; NAYS: 2
ON MOTION, 4/22, RULES SUSPENDED, PLACED ON 3RD READING
HOUSE 3RD READING: 4/22, YEAS: 86; NAYS: 9

SENATE 2ND READING: 4/23, BE CONCURRED IN
SENATE 3RD READING: 4/23, YEAS: 44; NAYS: 4

TRANSMITTED TO GOVERNOR: 4/23
ACTION: SIGNED, 5/1
CHAPTER 601

HB 508—YARDLEY—TO REVISE CERTAIN PENALTIES RELATING TO SIZE, WEIGHT, AND LOAD STANDARDS FOR MOTOR VEHICLES.
INTRODUCED: 1/27

STATUS SHEET

LOCAL GOVERNMENT COMMITTEE

47th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 498	To increase the minimum contract amount above which municipal contracts must be advertised and let for bid and may be paid in installments	1/27	Oberg	Wed. 2/11	AS AMENDED DO PASS	Feb. 13
HB 507	To allow the remaining transportation board members to fill vacancies on the transportation board; to remove the 2-week waiting period requirement after the requirement of notice of vacancy has been met	1/27	Azzara	Tues. 2/10	DO PASS (2/10)	2/11
HB 508	To revise certain penalties relating to size, weight, and load standards for motor vehicles	1/27	Yardley	Mon. 2/9	DO PASS (2/9)	2/10
HB 516	To provide for payments by the state of Montana to local governments that furnish fire and police services to state-owned buildings and facilities; and providing an effective date.	1/27	Nordtvedt	Thurs. 2/12	DO PASS AS AMENDED	2/21
HB 527	To permit the governing body of a municipality to sell municipal park land after notice and a public hearing without obtaining voter approval	1/28	Fabrega & Blaylock	Tues. 2/9	DO PASS AS AMENDED	2/10
HB 562	To revise and simplify the process of adding contiguous land in an unincorporated area to a sewer district when the board of directors determins there is excess capacity	1/29	B. Thoft	Thurs. 2/12	DO PASS	2/13

Form CS-32
1-79

REP. PISTORIA: I wanted to get up and be a proponent of your bill but I must have been asleep. A lot of commissioners in the smaller counties meet only once or twice a month and they're only pay is for their mileage back and forth and for the days they meet. I feel that the fulltime people get paid so it is only right that this bill be passed as a law.

As there were no other questions, the acting chairman closed the hearing on HB 413.

HOUSE BILL 507

REP. JIM AZZARA, SPONSOR of HB 507, said this bill makes some changes in the process by which vacancies are filled on Urban Transportation Boards. He went through the language of the bill regarding changes which would be made. He said it is a very simple bill and there are some proponents here to speak for it.

PROPONENTS TO HOUSE BILL 507

CHARLES TORMAN, chairman of the Great Falls Transit Board, asked to speak as a proponent of the bill. We see this as a matter of expediency. Secondly, we would like to see the Selection Board retain those members of the present Board as they have been working with the Board and have gained quite a bit of expertise in the area of transit. We feel they would be very capable of selecting individuals to replace someone leaving the Board. They also have the ability and background of knowing what is required as far as Transit Board qualifications and this bill is a matter of expediency in getting vacancies filled.

HARRIETTE DOOLING from Missoula said she has just completed a term on the Missoula Urban Transit Board. In the second part of this bill we asked for your consideration to expedite filling the vacancies on the Board. We had an experience two years ago where there was a Board vacancy. It was a long and cumbersome procedure which took all of six weeks. In the meantime, the business continues. By shortening this by two weeks, it will expedite filling a vacancy so the Board can continue to sign contracts and conduct an orderly business.

REP. PISTORIA said he'd like to be a proponent. He fully supports this bill because just last year they formed a new Board of elected members. There was no provision in the law to fill a vacancy and this does provide one. As you all know, they have sent out bids for their buses. We think it will be a great thing for Great Falls with inflation and gasoline prices.

ACTING CHAIRMAN VINGER asked if there were further proponents. There were none.

He then called for opponents to HB 507. There were none.

QUESTIONS FROM THE COMMITTEE:

REP. DUSSAULT: What is the Selection Board?

REP. AZZARA: The Selection Board is a group of people whose make up is provided for elsewhere in state law and they determine who will be on the Selection Board. Basically that is the body that sets up the district and recommends members to be put before the electorate.

REP. DUSSAULT: So in the initial stages when the Board members are first elected, they are recommended by the Selection Board.

REP. AZZARA: Yes. The Selection Board is made up of elected officials who then select a slate of people who will be appointed to form the first Transportation Board.

REP. DUSSAULT then asked Harriette Dooling if she was first appointed and then ran for the office.

HARRIETTE DOOLING: That is right. It says in the first section of the bill that they are appointed to serve until the next general election, and from then on, if elected.

REP. DUSSAULT: Are you saying that when the Transportation District is first set up, the members of the Board are appointed by the Selection Board until the next general election when they or others may run.

REP. KITSELMAN: Rep. Kemmis' bill 353 requires 25 signatures for a petition. How does that relate to this?

REP. AZZARA: Those people who do run subsequent to being appointed or subsequent to the formation of the Board petition to get on the ballot.

ACTING CHAIRMAN VINGER asked if there were any other questions from the committee. As there were none, he asked Rep. Azzara to close.

REP. AZZARA closed. My only public remark is that I suppose the Urban Transportation Districts will probably be formed in more cities in Montana as cities grow providing a significant energy savings and transportation services with Montana cities. I feel it is well for us to do anything we can to facilitate their internal operations.

ACTING CHAIRMAN VINGER closed the hearing on HB 507.

HOUSE BILL 394

REP. TOM ASAY, SPONSOR of HB 394, introduced the bill. He said the intent of the bill was to make it possible for the county Board of Commissioners, where necessary, to enact an ordinance regulating, restraining or prohibiting the public display or consumption of beer or liquor, or in other words enact an open container law.

He offered some amendments to change the wording and more clearly show the intent. He read the amendments and passed copies to the committee members. The new reading is very concise and is much better than what we had originally. The intention is to make it possible in areas where they do not have incorporated cities and towns to pass an open container ordinance. The state or counties do not have an ordinance for providing for this.

PROPONENTS FOR HOUSE BILL 394

ROBERT ASH, Sheriff of Rosebud County, said they are consolidated in Rosebud County and the sheriff has all the jurisdiction as we have no police force in Forsyth. Forsyth is an incorporated city and we do have an open container law. We have other places around the county where we do not have an open container law because they are not incorporated. Ashland is an incorporated city of about 600 people. At night you go up town. There are three bars. You'll find people on the sidewalks drinking beer, on the streets and in their cars. Highway 212 runs right through Ashland's main street. We've had accidents and people run over because of people going back and forth to bars with their open bottles of beer and wine. We've had calls at 1 or 2 o'clock in the morning where the people will be sitting on the sidewalk and start throwing beer bottles at the cars going up and down the street. After the bars close, they take all their beer and wine and go out on the street and keep on drinking. As a result you have fights and everything else, and perhaps get called out at 4 a.m. Ashland is going to grow. There are mines going in which will mean more people; we have a railroad supposedly going in and we'll have railroad people. We also have oil wells. We really need a bill like this to help us control the problem. We get complaints from the citizens too. We need a law to force the people to go home after the bars close. We have another little town called Jimtown, just north of the reservation. It is just a bar but we have the same problems there. We respectfully urge you to pass this open container law.

HOUSE BILL 507

REP. AZZARA moved that House Bill 507 DO PASS.

The motion PASSED UNANIMOUSLY.

HOUSE BILL 383

REP. WALDRON moved that House Bill 383 DO PASS.

REP. KESSLER: Rep. Pistoria, I have a question. What is the problem you have?

REP. PISTORIA: We had a county commissioner who was defeated for a second term because he turned in $2,500 for mileage for driving back and forth to work. Now we have a deputy sheriff who ran for the job and he will be turning in mileage. I feel that Great Falls is headquarters and he should not be entitled to mileage for driving back and forth to work.

REP. KESSLER: Where does he live?

REP. PISTORIA: He lives in Fort Shaw. This is 27 to 30 miles from Great Falls. This bill will prevent him from turning in mileage. I don't feel it is fair to the taxpayers that he should get paid for driving to and from work. We don't get paid for it and why should he?

REP. HOLLIDAY: I want to speak in opposition to the motion. Some of the counties change classification every year because evaluation dropped or rose by classification. The example that was given by Doris Shepherd, and I asked her about it before she left, was a situation with which I am familar. The individual drives 70 miles. He lives in one of the counties in the classification where he is considered full-time because of evaluation. And yet most of the time is spent in Helena because of the situation in his county.

REP. MATSKO: Paul, I understand what you are trying to do and I don't have as much problem with it as you may think. But I don't know that Dick has any plans of turning in mileage. How would you feel about an amendment following right after the language you put in there to read: "going to or returning from the county seat and his place of residence for regular meetings." Then allow mileage for any time when he comes in for special meetings.

REP. PISTORIA: That would be fine with me.

STANDING COMMITTEE REPORT

February 11, 19 81

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 507

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE REMAINING TRANSPORTATION BOARD MEMBERS TO FILL VACANCIES ON THE TRANSPORTATION BOARD; TO REMOVE THE 2-WEEK WAITING PERIOD REQUIREMENT AFTER THE REQUIREMENT OF NOTICE OF VACANCY HAS BEEN MET; AMENDING SECTIONS 7-14-216 AND 7-14-217, MCA."

Respectfully report as follows: That HOUSE Bill No. 507

DO PASS

Verner L. Bertelsen Chairman.

STATE PUB. CO.
Helena, Mont.

47TH LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
473	03/02/81	03/17/81	03/17/81				03/17/81		
479	02/12/81	03/07/81	03/17/81					03/17/81	
498	02/20/81	03/12/81	03/17/81					03/17/81	
507	02/18/81	03/12/81	03/24/81					03/24/81	
555	03/03/81	03/24/81	03/24/81				03/24/81		
558	03/03/81	03/18/81	03/26/81					03/26/81	
562	02/21/81	03/12/81	03/17/81					03/17/81	
575	02/18/81	03/14/81	03/26/81						03/26/81
594	03/03/81	03/12/81	03/26/81						03/26/81
624	03/03/81	03/17/81	03/24/81					03/24/81	
643	02/18/81	03/14/81	03/17/81				03/17/81		
661	02/19/81	03/14/81	03/17/81				03/17/81		
693	03/03/81	03/12/81	03/17/81				03/17/81		
704	03/03/81	03/12/81	03/17/81					03/17/81	
712	03/03/81	03/17/81	03/17/81				03/17/81		
715	03/03/81	03/19/81	03/24/81						03/24/81

(Use Separate Sheet for Senate, House Bills, and Resolutions)

Phil Hauck, Architecture and Engineering Division of the Department of Administration, said they handle all building construction in the state of Montana. They oppose this bill because it is a very bad precedent for the state. Proponents say this bill would be in the best interest of the people but it is not in the best interest of the state. This gives zoning boards control over what he does. They can set conditions on any approvals that might be necessary. They could delay construction or stop it. They could charge additional fees for hookup of waterlines, etc. This bill is too extreme. It gives too much power. The conflicts have to be resolved and one or the other will have ultimate authority. It should be the legislature.

Representative Kemmis said, in closing, the debate gets down to a superior government doctrine which could be characterized as big brotherism. Action taken on anyone's neighborhood, regardless of the effect, is not right. If we believe in giving people control of what happens to them, then this bill is a step in the right direction.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 507:

AN ACT TO ALLOW THE REMAINING TRANSPORTATION BOARD MEMBERS TO FILL VACANCIES ON THE TRANSPORTATION BOARD.

Representative Azzara, District No. 96, said this bill allows vacancies on transportation district boards to be filled by board members. If a vacancy occurs, this allows the remaining members to fill the vacancy. The same provisions apply for advertising and giving public notice. This bill allows appointment to be made two weeks after appearance of notice.

Dick Howell, Transit Bureau of the Department of Community Affairs, was also speaking on behalf of the city of Great Falls. This bill allows involvement from the transit board.

There were no opponents of the bill appearing before the committee.

Senator O'Hara then called for questions from the committee.

Senator Thomas asked what the reason for the bill is, why couldn't county commissioners appoint the members.

Representative Azzara said there is no serious problem with that, it is just a procedural encumbrance to fill the vacancy that way. The vacancy can be filled more quickly this way and those making the appointment would have a direct knowledge of

the field.

Senator Thomas said you could pack the board pretty easily that way.

Representative Azzara said the bill says the remaining transportation board members may be filled by the selection board or the remaining board members. It is possible if a concern arose that the county commissioners could prevail if they wanted to.

Dan Mizner said this bill is specifically for transportation districts in Missoula and Great Falls. The bill says if someone leaves, the other members can appoint someone to fill that vacancy. They are talking about a specific area.

Senator Van Valkenburg asked Representative Azzara if he said the selection board could override the appointment.

Representative Azzara said that was what he was referring to.

Senator Van Valkenburg said he was concerned with the board members packing the board. He can think of no other board of a multiple-member body in government that can choose the members to fill vacancies. It is a check and balance on that board.

Representative Azzara said an exemption is being made here. This is the best method to facilitate filling a vacancy. If the committee feels a check is needed, they might want to consider amending the bill so county commissioners could veto any action taken on the selection.

Dick Howell said they are trying to speed up the process of replacing board members. They do not mind the county commissioners appointing the board members but they would like to have some input on the selection.

Representative Azzara said we are talking about elected officials. It is not as if appointed people would be making appointments.

Senator Thomas asked if this problem has been cumbersome.

Representative Azzara said there was a vacancy on the board in Missoula which remained unfilled for quite some time and impeded the ability of the other board members.

Senator Thomas asked Representative Azzara if he would be happy if the county commissioners were required to appoint someone within two weeks.

Representative Azzara said he understands the Senator's concern.

What settles the matter for him is that we are talking about elected officials, not appointed members.

Senator Thomas said no state or county persons can choose their successors.

Representative Azzara said if the committee thought this would start a stampede toward boards appointing themselves, they might consider amending the bill. He does not feel that would happen.

Senator O'Hara asked how many times this was a problem.

Representative Azzara said it happened once in Missoula but it was a significant problem and of long duration.

Senator Hammond asked if the selection board was elected.

Representative Azzara said yes, they are generally county commissioners.

CONSIDERATION OF HOUSE BILL NO. 424:

AN ACT TO RAISE THE CEILING ON RATES CHARGED BY METROPOLITAN SANITARY AND/OR STORM SEWER DISTRICTS.

Representative Dave Brown, District No. 83, gave some background to the bill. (See attached Exhibit C.) He wanted to emphasize that all six House members and all three Senators from Butte endorsed the bill. This is an act of solidarity. They want to be put under the Public Service Commission like everyone else so they do not have to come to the legislature each time they need to change. There is a need that this bill be effective immediately upon passage. He submitted an amendment to the committee. (See attached Exhibit D.) There is a bill coming through that sends this back to the local government. The House supports that bill as well. The local governmental body could not raise rates without a hearing.

Senator Healy, District No. 44, represents Walkerville, the northern part of Butte-Silver Bow. They have between 1700 and 1800 people that empty into the metro sewer. Prior to that their sewage went into a creek. The Board of Health got after them. This is a good system and has good operating efficiency. He is a signer of the bill and heartily supports it.

Senator Stimatz, District No. 43 in Butte, has grown up with the metro sewer. There were problems with it at first but they have been solved. They do need this upon passage and approval because the operation and maintenance budget is about $190,000

it up to the legislature on whether fees would be available to use for subdivision review.

Cliff Christian said it is a 62.5% increase. Subdivision activity is way down. He thinks it would cause problems if it goes up and they have a $40 lot fee. The Legislative Fiscal Analyst's office recommends 4 FTE.

Senator Hammond asked what a subdivision review calls for.

Mr. Wiens explained.

Senator Thomas said you were asking for $40 and are down now to $30.

Mr. Christian said he thinks $30 is a fair compromise.

Senator Thomas asked if their budget was based on $30 and $15.

Mr. Williams said the budget is based on $25 and $10 in the law.

Senator Thomas asked how many people they would get if it went to $30.

Mr. Williams said they would receive no additional people.

Senator Thomas stated he did not think we could get much more through on the floor. He moved the bill be concurred in as it came through from the House.

Senator Van Valkenburg made a substitute motion to amend line 8 of page 3 to strike $15 and insert $10. The effect of the motion is to reduce the amount of money returned to the counties and to allow the state to maintain the present level of FTE's.

Senator Ochsner did not feel the committee should say we would pay the state people and cut the counties.

Senator Van Valkenburg's motion failed.

Senator Thomas's motion carried with Senator Hammond being opposed.

DISPOSITION OF HOUSE BILL 507: Debbie Schmidt of the Legislative Council handed out amendments to the bill. Senator Thomas said these amendments provided a compromise. He moved the amendments be adopted. The motion carried unanimously.

Senator Thomas then moved the bill be concurred in as amended. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 715: Senator Hammond moved the bill be not concurred in.

Amendment to House Bill 507

1. Page 1, lines 12 through 14.
Following: "(1)" on line 12
Strike: the remainder of line 12 through line 14 in their entirety
Insert: "A vacancy on the board shall be filled by a selection board composed of two county commissioners, two representatives from governing bodies of each municipality included or partially included in the district, and two transportation board members."

STANDING COMMITTEE REPORT

March 24 19 91

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 507

AZZARA (THOMAS)

Respectfully report as follows: That HOUSE Bill No. 507

third reading (blue) copy, be amended as follows:

1. Page 1, lines 12 through 14.
Following: "(1)" on line 12
Strike: the remainder of line 12 through line 14 in their entirety
Insert: "A vacancy on the board shall be filled by a selection board composed of two county commissioners, two representatives from governing bodies of each municipality included or partially included in the district, and two transportation board members."

And, as so amended, BE CONCURRED IN

XXDPASSXX

GEORGE MCCALLUM, Chairman.

STATE PUB. CO.
Helena, Mont.